IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MP(M) No.496 of 2007

Date of decision : July 25, 2007

State of H.P. **…Applicant.**

Versus

Mohan Singh **…Respondent.**

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

The Hon'ble Mr. Justice Kuldip Singh, Judge.

Whether approved for reporting?

For the Applicant : **Mr. Som Dutt Vasudeva, Additional Advocate General.**

For the Respondent : **Nemo.**

Surjit Singh, Judge(Oral)

Heard and gone through the record.

2. Respondent Mohan Singh was sent up for trial for an offence punishable under Section 20 of the Narcotic Drugs and Psychotropic Substances Act for allegedly having cultivated cannabis on a portion to the extent of 3 biswas area of land measuring 5 bighas 12 biswas bearing Khasra No.20.

3. Trial Court has acquitted the respondent inter alia holding that land bearing Khasra No.20 measuring 5 bighas 12 biswas, as per entries in the revenue papers and the report of the Patwari, Ex. PW-4/A and Ex. PW-4/B, is jointly owned and cultivated by five persons, namely the respondent, his three brothers and a lady and, therefore, in the absence of any specific evidence that it was the respondent who was in exclusive possession of 3 biswas area over which cannabis

---

Whether reporters of the local papers may be allowed to see the judgment?

plants were noticed, it cannot be said that it was the respondent who had grown the cannabis plants.

4. We have seen the copies of the record available with the learned Additional Advocate General. The record shows that the site where the growth of cannabis was found is jointly owned by five persons and there is no evidence on record indicating that the cannabis was grown by the respondent or that he was in exclusive possession of the portion of the land on which such growth was noticed. Hence, the application for leave to appeal is dismissed.

(Surjit Singh), J

July 25, 2007(sd) **(Kuldip Singh), J**